



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

V. S.

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/813,647      | 03/07/97    | HENDEL               | 082225-P2170        |

LM01/0226  
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN  
12400 WILSHIRE BOULEVARD  
7TH FLOOR  
LOS ANGELES CA 90025

|          |              |
|----------|--------------|
| EXAMINER |              |
| VU, I    |              |
| ART UNIT | PAPER NUMBER |
| 2756     |              |

#6

DATE MAILED: 02/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/813,647

Applicant(s)

Hendel et al

Examiner

Thong Vu

Group Art Unit

2756

☒ Responsive to communication(s) filed on Jan 4, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-37 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2756

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claim 1-37 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. § 102 [b] as being unpatentable over Saito et al [5,732,071]

As per claim 1, Saito et al taught *a first device and a second device in a connecting the first device and the second device to a plurality of interfaces* [fig 2; col 2 line 36-62]; *and emulating a single high-speed interface with the plurality of interfaces* [col 2 line 63-col 3 line 56] such as a MAC frame transmitted from the first interface selectively to one of a point-to-point ATM interconnecting between ATM bridges with LAN emulation host . The ATM network is formed by a number of ATM switches and hubs and a number of hosts or terminal devices or end nodes . By this rationale claim 1 is rejected.

Art Unit: 2756

As per claim 2 Saito taught *selecting one of the plurality of interfaces to send a packet of data* by [col 13 line 37-50]. By this rationale claim 2 is rejected

As per claim 3 Saito disclose *selecting one of the plurality of interfaces to send the packet of data comprises utilizing state information in the first device* such as a state of MAC address tables [Fig 6; Fig 7; col 12 line 52-60]. By this rationale claim 3 is rejected

As per claim 4 Saito disclose *selecting one of the plurality of interfaces to send the packet of data comprises utilizing address information in the packet of data*. [col 3 line 12-39]. By this rationale claim 4 is rejected

As per claim 5 Saito disclose *transmitting a first packet of data on only one [or single ] of the plurality of interfaces* [see rejection claim 1]. By this rationale claim 5 is rejected

As per claim 6 Saito disclose *assigning a first identifier to a first interface and a second interface at the first device; and identifying a path between the first device to the second device with the first identifier* [col 2 line 36-63; col 3 line 12-39]. By this rationale claim 6 is rejected

As per claim 7 Saito disclose *assigning a media access control (MAC) address* [see rejection claim 1]. By this rationale claim 7 is rejected.

As per claim 8 Saito disclose *assigning an Internet Protocol (IP) address* [col 4 line 59-65]. By this rationale claim 8 is rejected

As per claim 9 Saito disclose *assigning a group identifier* such as identifiers of a group point-to-point ATM connections [col 3 line 35; col 27 line 30; col 29 line 10]. By this rationale claim 9 is rejected

Art Unit: 2756

As per claim 10 Saito teach *the data traffic on the first interface and the second interface is approximately the same* [Fig 4] when the first and second interface connect to Ethernet segment with the maximum data traffic rate is 10 Megabits/sec .By this rationale claim 10 is rejected

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 33,34 are rejected under 35 U.S.C. § 103 as being unpatentable over Saito [5,732,071] in view of Choquier et al [5,774,668]

As per claim 11 Saito did not teach the *transmitting the data on the first interface when the output queue of the second interface is fuller than the output queue of the first interface and when previous data sent on the first interface is no longer on the first interface*. However Choquier et al, in his application servers for load balancing on a large scale network including ATM , ISDN, LAN and gateway; disclose the load balancing [Choquier, abstract], output queue [Choquier col 16 line 30-43]; and pseudo variables [Choquier col 15 line 42-50]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made

Art Unit: 2756

to incorporate the Choquier's load balancing technique into Saito system in order to the data flow and interface on high speed network. By this rationale claim 11 is rejected

As per claims 12-37 contain the similar limitations set forth of method claims 1-11 .

Therefore, claim 12-37 are rejected for the same rationale set forth claim 1-11

*FA*

### **Conclusion**

4. All claims are rejected.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Frank Asta*, can be reached on (703) 305-3817 or via e-mail addressed to [*Frank.Asta@uspto.gov*]. The fax number for this Group is (703) 308-6606.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thong.vu@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Thong Vu**  
**Feb 20, 1999**

  
**FRANK J. ASTA**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 2700**